



PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Michael Levernier et al.

Application No.: 10/782,534

Filed: February 19, 2004

For: METHODS AND DEVICES FOR NON-
ABLATIVE LASER TREATMENT OF
DERMATOLOGIC CONDITIONS

Confirmation No.: 3265

Group Art Unit: 3762

Examiner: Unknown

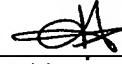
**INFORMATION DISCLOSURE
STATEMENT**

353 Sacramento Street, Suite 2200
San Francisco, CA 94111
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 21, 2004.

STALLMAN & POLLOCK LLP

Dated: 07/ 21 /04 By: 
Tanisha Lawrence-Caceres

M/S AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant(s) submit(s) herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe(s) may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.
- (c) as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits, or before a first office action after filing a Request for Continued Examination under §1.114.
- (d) is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is

known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.

- (e) is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) is checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (g) No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith, except as noted below.

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached form PTO-1449 (Modified) are not supplied because they are (a) either U.S. Patents and this an application filed after June 30, 2003, or (b) were previously cited by or submitted to the Office in a prior application no. _____, filed _____, and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

- (h) not given

- (i) given for each listed item
- (j) given for only non-English language listed item(s) [Required]
- (k) is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

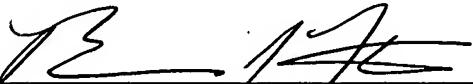
- The Commissioner is hereby authorized to charge our Deposit Account No. 50-1703, under Order No. ALTU-910, for any fees required in connection with the filing of this Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the above-named deposit account for any fees required pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: 7-24-04

By:


Brian J. Keating Reg. No. 39,520

Attorneys for Applicant(s)



JUL 26 2004

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>	Docket Number (Optional) ALTU-910	Application Number 10/782,534
	Applicant(s) Michael Levernier et al.	
	Filing Date February 19, 2004	Group Art Unit 3762

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*AA	5,300,097	04/05/1994	Lerner et al.	607	93	09/18/1992
	*AB	5,405,368	04/11/1995	Eckhouse	607	88	10/20/1992
	*AC	5,527,308	06/18/1996	Anderson et al.	606	14	02/01/1995
	*AD	5,556,612	09/17/1996	Anderson et al.	424	59	03/15/1994
	*AE	5,558,667	09/24/1996	Yarborough et al.	606	9	01/06/1995
	*AF	5,595,568	01/21/1997	Anderson et al.	606	9	02/01/1995
	*AG	5,620,478	04/15/1997	Eckhouse	607	88	06/07/1995
	*AH	5,626,631	05/06/1997	Eckhouse	607	88	02/03/1995
	*AI	5,643,334	07/01/1997	Eckhouse et al.	607	88	02/07/1995
	*AJ	5,669,916	09/23/1997	Anderson	606	133	09/28/1994
	*AK	5,683,380	11/04/1997	Eckhouse et al.	606	9	03/29/1995
	*AL	5,720,772	02/24/1998	Eckhouse	607	88	07/27/1995
	*AM	5,735,844	04/07/1998	Anderson et al.	606	9	01/30/1996
	*AN	5,754,573	05/19/1998	Yarborough et al.	372	22	07/09/1996
	*AO	5,755,751	05/26/1998	Eckhouse	607	88	06/07/1995
	*AP	5,776,127	07/07/1998	Anderson et al.	606	2	10/29/1996
	*AQ	5,810,801	09/22/1998	Anderson et al.	606	9	02/05/1997
	*AR	5,814,041	09/29/1998	Anderson et al.	606	15	06/07/1995
	*AS	5,824,023	10/20/1998	Anderson	607	88	04/16/1996
	*AT	5,828,803	10/27/1998	Eckhouse	385	88	03/06/1995
	*AU	5,836,999	11/17/1998	Eckhouse, et al.	607	88	09/28/1995

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REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS

OTHER DOCUMENTS
(Including Author, Title, Date, Pertinent Pages, Etc.)

Examiner _____ **Date Considered** _____
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
*AV	5,849,029	12/15/1998	Eckhouse et al.	607	104		12/26/1995
*AW	5,879,326	03/09/1999	Godshall et al.	604	506		04/25/1997
*AX	5,885,273	03/23/1999	Eckhouse et al.	606	9		02/09/1996
*AY	5,911,718	06/15/1999	Yarborough et al.	606	9		05/08/1998
*AZ	5,964,749	10/12/1999	Eckhouse et al.	606	9		09/15/1995
*BA	5,989,267	11/23/1999	Anderson	606	133		07/11/1997
*BB	6,066,130	05/23/2000	Gregory et al.	606	15		10/24/1988
*BC	6,120,497	09/19/2000	Anderson et al.	606	9		09/15/1998
*BD	6,126,655	10/03/2000	Domankevitz et al.	606	17		08/11/1998
*BE	6,162,212	12/19/2000	Kreindel et al.	606	9		04/19/1999
*BF	6,174,325	01/16/2001	Eckhouse	607	88		12/17/1997
*BG	6,183,773	02/06/2001	Anderson	424	450		01/04/1999
*BH	6,235,016	05/22/2001	Stewart	606	9		03/16/1999
*BI	US 2001/0023363	09/20/2001	Harth et al.	607	90		01/09/2001
*BJ	6,273,884	08/14/2001	Altshuler et al.	606	9		05/13/1998
*BK	6,280,438	08/28/2001	Eckhouse et al.	606	9		08/18/1997
*BL	6,306,130	10/23/2001	Anderson et al.	606	27		04/07/1999
*BM	US 2002/0099094	07/25/2002	Anderson	514	561		08/14/2001
*BN	6,283,956	09/04/2001	McDaniel	606	9		11/30/1998

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		Applicant(s) Michael Levernier et al.			
		Filing Date February 19, 2004		Group Art Unit 3762	

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*EXAMINER -INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*BO	6,350,261	02/26/2002	Domankevitz et al.	606	17	04/11/2000
	*BP	6,387,089	05/14/2002	Kreindel et al.	606	9	05/10/1999
	*BQ	6,436,127	08/20/2002	Anderson et al.	607	89	10/08/1998
	*BR	6,511,475	01/28/2003	Altshuler et al.	606	9	08/09/2000
	*BS	6,514,243	02/04/2003	Eckhouse et al.	606	9	02/17/2000
	*BT	6,529,543	03/04/2003	Anderson et al.	372	108	11/21/2000
	*BU	6,600,951	07/29/2003	Anderson	604	20	12/16/1999
	*BV	6,605,080	08/12/2003	Altshuler et al.	606	3	03/26/1999
	*BW	6,659,999	12/09/2003	Anderson et al.	606	9	06/05/2000
	*BX	6,743,222	06/01/2004	Durkin et al.	606	9	12/07/2000

FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

BY	E. V. Ross et al., "(75) LASER TREATMENT OF ACNE THROUGH SELECTIVE DERMAL HEATING," <i>American Society for Laser Medicine and Surgery Abstracts, 22nd Annual Meeting</i> , issue supplement 14, April 10-14, 2002, page 23.
BZ	Nathan S. Uebelhoer et al., "(96) LASER TREATMENT OF FACIAL ACNE WITH A 1450 nm DIODE LASER," <i>American Society for Laser Medicine and Surgery Abstracts, 23rd Annual Meeting</i> , issue supplement 15, April 9-13, 2003, page 29.

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